



# QUOTATIONS ON JUVENILE BY SUPREME COURT OF INDIA JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN) ACT, 2015

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## ABSTRACT

Law and Society, these two words are included “JUVENILE”. And both are always taking care about Juvenile. Whenever need changes (Amendment) regarding Juvenile they both pillars are stand first, because we know the Child as a god's version. Child is the incarnation of divinity. Its innocence and smile are its greatest and enchanted virtues which can dazzle and hypnotize even a person endowed with a heart of stone. Indian Judiciary specially supreme court of India always protect / quote / ask / guide / order for JUVENILE (CHILD). In this article researcher researches some important quotations, guidelines of supreme court on Juvenile (Child).

**KEY WORDS :** Juvenile – Supreme Court – Judgements – Juvenile Conflict with Law – Juvenile Delinquency.

## INTRODUCTION:

Juvenile Justice (Care and Protection of Children) Act, 2015 define *Child* in S-2 (12) “child” means a person who has not completed eighteen years of age; and, S-2(13) “*child in conflict with law*” means a child who is alleged or found to have committed an offence and who has not completed eighteen years of age on the date of commission of such offence; and (14) “*child in need of care and protection*” means a child - (i) who is found without any home or settled place of abode and without any ostensible means of subsistence; or (ii) who is found working in contravention of labour laws for the time being in force or is found begging, or living on the street; or (iii) who resides with a person (whether a guardian of the child or not) and such person - (a) has injured, exploited, abused or neglected the child or has violated any other law for the time being in force meant for the protection of child; or (b) has threatened to kill, injure, exploit or abuse the child and there is a reasonable likelihood of the threat being carried out; or (c) has killed, abused, neglected or exploited some other child or children and there is a reasonable likelihood of the child in question being killed, abused, exploited or neglected by that person; or (iv) who is mentally ill or mentally or physically challenged or suffering from terminal or incurable disease, having no one to support or look after or having parents or guardians unfit to take care, if found so by the Board or the Committee; or (v) who has a parent or guardian and such parent or guardian is found to be unfit or incapacitated, by the Committee or the Board, to care for and protect the safety and well-being of the child; or (vi) who does not have parents and no one is willing to take care of, or whose parents have abandoned or surrendered him; or (vii) who is missing or run away child, or whose parents cannot be found after making reasonable inquiry in such manner as may be prescribed; or (viii) who has been or is being or is likely to be abused, tortured or exploited for the purpose of sexual abuse or illegal acts; or (ix) who is found vulnerable and is likely to be inducted into drug abuse or trafficking; or (x) who is being or is likely to be abused for unconscionable gains; or (xi) who is victim of or affected by any armed conflict, civil unrest or natural calamity; or (xii) who is at imminent risk of marriage before attaining the age of marriage and whose parents, family members, guardian and any other persons are likely to be responsible for solemnisation of such marriage;<sup>1</sup>

As above definition Supreme Court of India, protect / quote / ask / guide / order for JUVENILE (CHILD) as under :-

## SUPREME COURT OF INDIA:

### 1. Gaurav Jain V. Union of India<sup>2</sup>:

We are guilty of many errors and faults  
But our worst crime is abandoning the children,  
Neglecting the foundation of life,  
Many of the things we need can wait,  
The child cannot,  
Right not is the time,  
His bones are being formed,  
His blood is being made,  
And his sense are being developed,  
To him we cannot answer,  
To tomorrow  
His name is “To-Day”  
Dare we answer “Tomorrow”?

### 2. Gaurav Jain V. Union of India<sup>3</sup>:

“A million million spermatozoa  
All of them alive:  
Out of their cataclysm but one poor Noah  
Dare hope to survive  
And amonth that billion minus one  
Might have chanced to be  
Shakespeare, another newton, a new donne  
But the ne was me.”

### 3. Sheela Barse V. The Secretary Children Aid Society<sup>4</sup>:

“Children are the citizens of the future era. It further said that gerontocrat in silence manner indicated that like a young plant, a child likes roots in the environment where it is place. However, good the breed he, if the sapling is placed on a wrong setting or unwarranted place, there would not be the desired growth. Let us act and act vigorously that the child has to be saved from falling into tacky atmosphere”.

### 4. Munna V. State of Uttar Pradesh<sup>5</sup>:

“Juvenile delinquency is, by and large, a product of social and economic mal-adjustment. Even if it is found that these juveniles have committed an offence, they cannot be allowed to be maltreated. They do not shed their fundamental rights when they enter the Jail.

### 5. Gopinath Ghosh V. State of West Bengal<sup>6</sup>:

Supreme court set aside the sentence of imprisonment for life imposed by the Trial Court and confirmed by the High Court against a minor who was tried with other accused for murder and remitted the case to learned magistrate for disposal according to the provisions of the Juvenile Justice Act.

### 6. Satto V. State of Uttar Pradesh<sup>7</sup>:

Justice Krishna Iyer in relation to sentencing policy towards the juvenile delinquents observed that the family tie of the Juvenile delinquent should be kept alive and referred to the need for Parole.

### 7. Unni Krishnan V. State of Andhra Pradesh<sup>8</sup>:

The Apex court has recognized primary education as an aspect of personal liberty and thus elevated it to the level of each child's constitutional right. The Court observed that a child (citizen) has a fundamental right to free education up to the age of 14 years.

### 8. Kallu V. State of Haryana<sup>9</sup>:

The Juvenile Justice Act is intended to protect the Juvenile from the rigours of a trial by a Criminal Court. It prohibits sentencing of a juvenile and committing his to prison.

### 9. Ranghdur Singh V. State of Jharkhand<sup>10</sup>:

It is a Murder where the petitioner claimed juvenile. In school certificate his date of birth was mentioned as 5-11-1986. Date of alleged occurrence was 5-8-2004. The age of the accused was at the date of incident was 17 years 9 months i.e. less than 18 years. Report of Medical Board also confirmed that age was less than 18 years. It is held that the petitioner could be therefore declared as Juvenile.

**10. Monu V. State of Uttar Pradesh<sup>11</sup>:**

It was a case of claim of Juvenile. It was rejected. No opportunity to lead evidence to support the claim of Juvenility was afforded to the accused order of rejection is held to be improper.

**CONCLUSION :**

Supreme Court of India always protecting the Rights of Juvenile. It is also covered under Constitution of India Fundamental Rights like, Article 14, 15(3), 2, 21A, 23, 24, Directive Principles of State policy Article, 39, 45, 47.

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